

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DON A. HOWARD,

Plaintiff,

-vs-

BRANDI BIRCHFIELD, Medical  
Director, et al.,

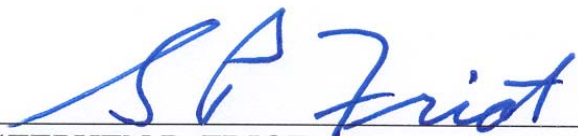
Defendants.

Case No. CIV-09-1017-F

**ORDER**

In his Report and Recommendation addressing this civil rights action brought under 42 U.S.C. § 1983, Magistrate Judge Gary M. Purcell recommends denial of the motion for leave to proceed *in forma pauperis* without prejudice. The magistrate judge also recommends dismissal of this action without prejudice for improper venue. Plaintiff has not filed an objection or sought an extension of time within which to do so. Upon review, the court concurs with the magistrate judge and finds that no further analysis need be set out here. Accordingly, the Report and Recommendation (doc. no. 5) is **ACCEPTED, ADOPTED** and **AFFIRMED**, and the motion for leave to proceed *in forma pauperis* is **DENIED** without prejudice (doc. no. 2). This action is hereby **DISMISSED** without prejudice, for improper venue.

Dated this 28<sup>th</sup> day of October, 2009.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE